

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/676,296	BOERNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew J Sked	2655	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 29 December 2004.
2. ☒ The allowed claim(s) is/are 1-12, 14-37 and 39-79.
3. ☒ The drawings filed on 12/29/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. The replacement drawings were received on 12/29/04. The drawings are accepted and the objection is withdrawn.
2. Claims 1, 37, 44 and 45 have been amended to include the limitations of the allowable dependent claims 24 and 38 set forth in the previous action.
3. Claims 13, 24 and 38 have been canceled.
4. Claims 46-79 have been added.
5. Applicant's amendments of claims 1-45, filed on 12/29/04, have overcome the Chase in view of Kostoff rejections. No other relevant prior art for rejection having been found, the rejection of claims 1-45 has been withdrawn, and the amended claims have been allowed.

### ***Oath/Declaration***

6. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It is not signed by both of the inventors. Peer Boerner failed to sign the most recent Declaration filed on 1/12/01.

7. Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth above. The substitute oath or declaration must be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability"

Art Unit: 2655

(PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR

1.136. Failure to timely file the substitute declaration (or oath) will result in

**ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the "Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

***Allowable Subject Matter***

8. Claims 1-12, 14-23, 24-37 and 39-79 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter: Claims 1-12, 14-23, 24-37 and 39-45 are allowed for the reasons specified in the previous action. Claim 46 teaches the combination of a method of determining the emotive index for a received message that identifies words to be analyzed in a received message, increments a word count for each identified word, compares the word count to a threshold, sets a word count index according to the comparison, changes the emotive index by the word count index, provides a list of intensifiers and antagonism indicators, analyzes these lists to find intensifiers and antagonism indicators, locates an antagonism indicator nearest to the intensifier, changes an antagonism index according to the location and changes the emotive index by the antagonism index.

10. Chase (U.S. Pat. 6,332,143) teaches a system for determining the emotion of text that determines the emotive index of the text by calculating emotive word counts. Kostoff et al. (U.S. Pat. 5,440,481) teaches a method for analyzing a body of text for high-interest keywords or phrases, counting the keywords and selecting keywords

Art Unit: 2655

based upon a comparison between the keyword count and a threshold. It would not have been obvious to one of ordinary skill in the art at the time of invention to combine the systems of Chase and Kostoff to arrive at the applicant's invention.

11. Claims 47-79 are allowed because they further limit the claims to which they refer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kantrowitz (U.S. Pat. 6,622,140), filed after the current application, teaches classifying text according to emotion by computing scores based upon positive affect and negative affect words.

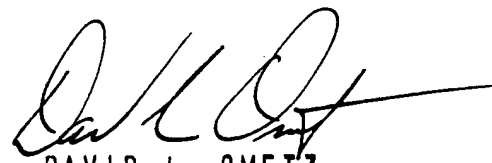
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2655

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MS  
4/26/05



DAVID L. OMETZ  
PRIMARY EXAMINER